IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8396 of 2001

Between:

P.V.Jagadeshwar Rao, S/o. P.Nageshwar RAo,
O/o. The Executive Officer, Group of Temples,
Kaikalur, Krishna District.

..... PETITIONER

AND

1 The Executive Officer,
Kaikalur Group of Temples, Kaikalur,
Krishna District.
2 The Assistant Commissioner of Endowments,
Vijayawada, Krishna District.
3 The Dy. Commissioner of Endowments,
Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, order or direction more particularly one in the nature of "WRIT OF MANDAMUS" declaring the action of the respondents in not promoting the petitioner as Attender in the existing vacancy as illegal, improper, unjust, arbitrary and contrary to law and further direct the respondents to promote the petitioner as Attender in the existing vacancy and also direct the respondents to fix his pay in the 1993 P.R.C. pay scales.

Counsel for the Petitioner:MR.K.G.KRISHNA MURTHY

Counsel for the Respondent No.: MR.N.GURU GOPAL

The Court made the following :

ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

The petitioner herein who was working as night Watchman-cum-Sweeper, filed this Writ Petition, inter alia, seeking for a Mandamus challenging the action of the respondents in not permitting him to the next higher post viz., Attender.

Though the said claim was sought to be contested by the respondents on the ground that he has not completed three years of service, but however, the fact remains that the writ petition was filed as long back as on 15th April 2000. By this time, the petitioner not only completed three years of service but already completed five years of service. In view of the same, there cannot be any objection on the part of the respondents in considering his case for promotion to the next higher post including fixation of scale.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the next higher post of Attender and also fix the scale of pay as per law. The entire exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. No Costs.

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28.12.2004

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To

1 The Executive Officer,
Kaikalur Group of Temples, Kaikalur,
Krishna District.
2 The Assistant Commissioner of Endowments,
Vijayawada, Krishna District.
3 The Dy. Commissioner of Endowments,
Kakinada, East Godavari District.

4. 2 CCs to G.P. for Endowments, High Court of A.P Buildings, Hyderabad (OUT)

5. 2 CD copies.